

ESTTA Tracking number: **ESTTA308296**

Filing date: **09/25/2009**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91188256
Party	Defendant Covault, Andrew J
Correspondence Address	COVAULT, ANDREW J 7615 SOUTHWOLD CT CUMMING, GA 30041-8314 UNITED STATES acovault@innoworks.com
Submission	Response to Board Order/Inquiry
Filer's Name	Andrew J Covault
Filer's e-mail	acovault@innoworks.com
Signature	/Andrew J Covault/
Date	09/25/2009
Attachments	AJC_ResponseTTAB_Inquiry_AnswerFilingDate_Op91188256_R2.pdf (4 pages)(61975 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

The Susan G. Komen)	
Breast Cancer Foundation, Inc)	
(Opposer))	
)	Opposition No. 91188256
vs.)	
)	
Andrew J Covault)	
(Applicant))	

Mark: HYDRATE FOR THE CURE

RESPONSE TO BOARD INQUIRY

In response to the Board's inquiry concerning the timing of the answer from the Applicant in case Opposition No. 91188256.

The Applicant received the Boards inquiry request on September 07, 2009 and Applicant has been diligently working in good faith with the Opposer to resolve the opposition to the registration of Applicants mark 'Hydrate For The Cure' to the intended satisfaction of both parties, up until the filing of its answer. At which time the Applicant notified the Opposers' council of Applicants intent to file an answer on August 18, 2009. A copy of the Applicants answer was delivered, via email, to the Opposers' council at the following email address - molly@richardlawgroup.com, and jim@richardlawgroup.com.

Both parties have previous been utilizing email correspondences in this matter as our primary communication and negotiation.

Applicant filed its answer electronically with the Board and understood a copy would automatically be sent to the Opposers' council, as has been the case of all other documents including extensions filed electronically on the ttabvue.uspto.gov website. However, the Applicant took the additional step to send a copy of the answer directly to the Opposers' council as the parties were attempting to resolve this matter with a settlement.

The Applicant now understands the Board did not receive its notification of 'proof of service' of a copy of Answer to the Opposer and the Applicant is providing a copy of the email sent to Opposers' council containing the Applicants answer. In addition, the Applicant is providing a 'proof of service' document to the Board, that should have been filed with the Applicants answer on August 18, 2009.

Wherefore, Applicant prays that the Opposers opposition be dismissed with prejudice, and the Applicants registration be approved for the 'HYDRATE FOR THE CURE' mark and for such other and further relief as is just and equitable.

Applicant reserves the right to raise such other defenses or plead affirmatively by counterclaim as may be appropriate upon further investigation and discovery.

Respectfully submitted,



Andrew J
Covault (Applicant)

acovault@innoworks.com
7615 Southwold Court
Cumming, GA 30041
Tel: 770-777-0220

CERTIFICATE OF SERVICE

I hereby certify that on the 25th day of September, 2009 a true and correct copy of the Applicants response to the Boards inquiry above was served upon Molly Buck Richard, and James F. Struthers at the following email addresses; molly@richardlawgroup.com, and jim@richardlawgroup.com, counsels for the Opposer, of the Richard Law Group, Inc., 8411 Preston Road, Suite 890, Dallas, Texas.



Andrew J
Covault (Applicant)

acovault@innoworks.com
7615 Southwold Court
Cumming, GA 30041
Tel: 770-777-0220

Subject: RE: Answer filed with USPTO - Opposition 91188256
From: acovault@innoworks.com
Date: Wed, 19 Aug 2009 15:16:00 +0000
To: jim@richardlawgroup.com
CC: molly@richardlawgroup.com, acovault@quenchhydration.com

Jim,

I am forwarding you a copy of the Answer to your Opposition 91188256 of our 'HYDRATE FOR THE CURE' mark. I was not sure if you received a copy as the USPTO site went down and we had to resend the Answer.

I will continue discussing options with Komens business development department for our two groups to work together to resolve the dispute, however we have been back and forth on a few proposals from Komen and our company and have not reached an understanding as of yet. We do have one other opportunity that has recently become available to present to Komen at weeks end that may interest the new business group.

Thank you.

Andrew J Covault
Founder
QuenchHydration Gear, LLC
Tel: 770 777 0220
Email: acovault@quenchhydration.com
Email: acovault@innoworks.com

AJC_Answer_KomenOpposition_Op91188256_R6_Cmpst.pdf

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

The Susan G. Komen
Breast Cancer Foundation, Inc
(Opposer)

vs.

Andrew J Covault
(Applicant)

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) Opposition No. 91188256
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Mark: HYDRATE FOR THE CURE

CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of August, 2009 a true and correct copy of the Applicants Answer, filed electronically on August 18, 2009 with the Board, was served upon Molly Buck Richard, and James F. Struthers at the following email addresses; molly@richardlawgroup.com, and jim@richardlawgroup.com, counsels for the Opposer, of the Richard Law Group, Inc., 8411 Preston Road, Suite 890, Dallas, Texas.



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